

1AP10 Rec'd PCT/PTO 27 DEC 2005

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			
RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371		Docket Number: 10537/297	
		International Application No.: PCT/DE03/03917	
Application Number 10/340,226	International Filing Date November 26, 2003	Examiner To be assigned	Art Unit To be assigned
Invention Title PROCESS FOR THE PRODUCTION OF HEAT EXCHANGER TUBES CONSISTING OF HALF- TUBES OR TUBES, FOR RECUPERATIVE WASTE GAS HEAT EXCHANGERS		Inventor(s) Ludwig STEINHAUSER	

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

S I R:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed November 23, 2005, Applicant submits herewith an executed Declaration (3 pages), in order to complete the filing requirements for the U.S. national phase of the above-identified PCT application. Applicants also enclose a copy of the Notification as required.

1. The U.S. Patent and Trademark Office is authorized to charge the **\$130.00** (large entity) fee to cover the surcharge for late filing of the Declaration to Deposit Account No. **11-0600**. Should any additional fees be required, the U.S. Patent and Trademark Office is authorized to charge them to Deposit Account No. **11-0600**.
2. A copy of this paper is enclosed for charging purposes.

Dated: *Dec. 29, 2005*

By: *Clifford A. Ulrich*

Clifford A. Ulrich (Reg. No. 42,194)
KENYON & KENYON
One Broadway
New York, N.Y. 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)
CUSTOMER NO. 26646

01/03/2006 MKAYPAGH 00000093 110600 10537297
01 FC:1617 130.00 DA

Adjustment date: 02/27/2006 FSMITH
01/03/2006 MKAYPAGH 00000093 110600 10537297
01 FC:1617 130.00 CR

02/27/2006 FSMITH 00000005 110600 10540226
01 FC:1617 130.00 DA

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Transmittal Letter		Docket Number: 10537/297	
Application Number 10/540,226	International Filing Date November 26, 2003	Examiner Not yet assigned	Art Unit Not yet assigned
Invention Title PROCESS FOR THE PRODUCTION OF HEAT EXCHANGER TUBES CONSISTING OF HALF-TUBES OR TUBES, FOR RECUPERATIVE WASTE GAS HEAT EXCHANGERS		Inventor(s) Ludwig STEINHAUSER	

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: **Dec 27, 2005** Reg. No. **42,194**

Signature: **Cliff A. Ulrich**

Cliff A. Ulrich

S I R:

1. Please find enclosed the following documents filed in connection with the above-referenced application:
 - a. Appointment of Power of Attorney by Assignees of Entire Interest; and
 - b. Statement under 37 C.F.R. 3.73(b).
2. No fee is believed necessary however, the Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**:
 - A. Any additional filing fees required under 37 C.F.R. § 1.16;
 - B. Any additional patent application processing fees under 37 C.F.R. § 1.17;
 - C. Any additional document supply fees under 37 C.F.R. § 1.19;
 - D. Any additional post-patent processing fees under 37 C.F.R. § 1.20; or
 - E. Any additional miscellaneous fees under 37 C.F.R. § 1.21.

Dated: **Dec. 27, 2005**

By: **Cliff A. Ulrich**

Clifford A. Ulrich
Reg. No. 42,194

KENYON & KENYON
One Broadway
New York, N.Y. 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)
CUSTOMER NO. 26646

Rec'd PCT/PTO

27 DEC 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/540,226	Ludwig Steinhauser	10537-297

INTERNATIONAL APPLICATION NO.	
PCT/DE03/03917	
I.A. FILING DATE	PRIORITY DATE
11/26/2003	12/21/2002

26646
 KENYON & KENYON
 ONE BROADWAY
 NEW YORK, NY 10004

CONFIRMATION NO. 2990

371 FORMALITIES LETTER



OC000000017507364

Date Mailed: 11/23/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/21/2005
- English Translation of the IA filed on 06/21/2005
- Copy of the International Search Report filed on 06/21/2005
- Copy of IPE Report filed on 06/21/2005
- Preliminary Amendments filed on 06/21/2005
- Information Disclosure Statements filed on 06/21/2005
- Oath or Declaration filed on 06/21/2005
- Request for Immediate Examination filed on 06/21/2005
- Copy of references cited in ISR filed on 06/21/2005
- U.S. Basic National Fees filed on 06/21/2005
- Substitute Specification filed on 06/21/2005
- Priority Documents filed on 06/21/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

EV 320 245 875 US

missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,226	PCT/DE03/03917	10537-297